

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, MAY 4, 2006**

CALL TO ORDER

Ellen Gennrich, Vice Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Walter Baade	Gary Goodchild	Walter Kolb
	Pat Haukohl	Betty Willert	Ellen Gennrich

Commission

Members Absent: None

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager
Attorney Deborah Price, Waukesha County Corporation Counsel
Kathy Moore, Senior Planner
Kathy Brady, Secretary Supervisor

Guests Present:	Attorney Kathy Gutenkunst	Angie Van Scyoc	Michael Toebes
	Ed Mueller	Mark Mader	

CORRESPONDENCE: None.

MEETING APPROVAL None.

MINUTES None.

PUBLIC COMMENT

Vice Chairperson Gennrich asked if anyone from the audience wished to address the Commission? There being none, she moved to the next item on the agenda.

• **1:00 p.m. (CZ-1459D and SZ-1459C) Text Amendments**

Mr. Mace presented the "Staff Report and Recommendation" dated May 4, 2006, and made a part of these Minutes. He indicated the proposed request includes Text Amendments to the Waukesha County Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance pertaining to new definitions for variances, applicants, special exceptions, streets, junk, motor vehicles, poultry and other provisions pertaining to the regulation of undesirable structures and junk. The Planned Unit Development provisions are proposed to be amended to be somewhat in harmony with the Waukesha County Board policy regarding open/green space, the updating of certain references to the divisions of the Waukesha County Department of Parks and Land Use, references to poultry and livestock, height limitations, accessory structures in business and industrial districts and the provisions regarding livestock on lots less than three acres.

Ms. Moore indicated that many of the amendments are housekeeping in nature in order to gain consistency between the Waukesha County Zoning Code and the Waukesha County Shoreland Floodland Protection Ordinance. There was discussion of some of the new definitions. Mrs. Gennrich said the amendments were well written and thanked Ms. Moore and Attorney Price for an outstanding job.

After discussion, Mrs. Haukohl moved, seconded by Mr. Baade and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”.

- **SCU-174B (Carl Schurz Memorial Park) Town of Merton, Section 19**

Mr. Mace presented the “Staff Report and Recommendation” dated May 4, 2006, and made a part of these Minutes. He pointed out the location of the property at N67 W33275 C.T.H. “K” in the Town of Merton on the aerial photograph and stated the petitioner is requesting to amend the existing Conditional Use Permit to allow repairs, updates/upgrades, improvements and additions to the existing structure and concrete areas on the property.

Attorney Gutenkunst, representing the petitioner, introduced herself and pointed out on the aerial photograph, the entrance, the parking area, a gatehouse, 35 cottages, a garage/kitchen, a restroom/shower building, a first aid building, the communal buildings (the old hotel, an open air pavilion building, a boathouse and a band shell). Rooms in the hotel are rented out to family members, who belong to the Park. Mrs. Haukohl asked if there was indoor plumbing in the hotel? Attorney Gutenkunst replied, “Yes” and added the communal kitchen is located in the hotel where all of the food is prepared. Ms. Van Scyoc, President, said the Park has been in existence in this location since 1945. She pointed out the location of the outdoor open-air pavilion and indicated an addition would be added so that the audience faces toward the band area. Mrs. Gennrich asked if currently there was outdoor music? Ms. Van Scyoc replied, “Yes”. She further explained there are specific member events. As stewards of the land, the goal is to preserve and protect the property by updating and upgrading the buildings. The members are all volunteers and are required to provide a minimum of 25 hours of service to be part of the group. Mrs. Haukohl wondered if individual people could sell their cottages. Mr. Baade replied, “No”, the land is leased. Attorney Gutenkunst added, the members lease the land from the Park, however, the member owns his or her own cottage. Mrs. Gennrich asked if you could be a member without owning a cottage and how many members there were altogether? Ms. Van Scyoc replied, “Yes” and added that most members do not have cottages and there are approximately 234 members, total. Mrs. Haukohl asked with regards to improving and upgrading any building if there were codes requiring indoor plumbing? Attorney Gutenkunst responded, the cottages are not required to have plumbing because they are temporary structures with no running water, however, a number of the cottages have incinerator toilets and the cottages are occupied from May to September of each year. Mrs. Haukohl asked where the septic systems are located? Mrs. Van Scyoc replied, there are two separate septic systems, one by the shower area and one by the hotel.

Mrs. Gennrich asked if there were any problems with the neighbors or outdoor events. Mr. Mace replied, “No”. Attorney Gutenkunst explained, the reason for the matter being before the Park and Planning Commission is that an owner of one of the cottages was updating his cottage by placing the door on the right side of the cottage from the left side. The neighboring cottage owner was not in agreement with the switch and reported a possible violation. From this day forward, members have been notified they will need Zoning Permits for any type of remodeling.

Mrs. Gennrich said, (referring to Exhibit “D”, correspondence from Attorney Gutenkunst), Item No. 1 states that before any Zoning Permit is issued by Waukesha County, the applicant (member of the Carl Schurz Memorial Park) must provide written proof that the Carl Schurz Memorial Park Board of Directors has approved the remodeling and/or repair and a permit has been requested. She wondered whether it should be an internal issue and asked if they wanted the County policing this? Attorney Gutenkunst said it was offered during discussions with the Planning and Zoning Division Staff, but is not a condition.

Mrs. Willert said the Staff Report and Recommendation indicates that park members can moor fishing or pontoon boats, however, in Condition No. 10 only rowboats for fishing are listed. She suggested that the wording "pontoon boats" be added to Condition No. 10.

Mrs. Gennrich asked if all of the structures are located at least 75' from the lake and how long the shoreline is, to which Attorney Gutenkunst replied, the buildings are all located 75' from the lake and the shoreline is approximately 475' in length. Mrs. Gennrich asked if Condition No. 16 (regarding the Town and County reviewing and modifying any condition imposed if it becomes a problem) should be removed? Attorney Price replied the County does have the right under the Code but it would require a public hearing and the County is trying to be able to amend or modify the conditions of the Conditional Use without a hearing. She advised, and the Commission agreed, that Condition No. 16 should be deleted. Mrs. Gennrich asked if the docks have been approved by the Wisconsin Department of Natural Resources (DNR) to which Attorney Gutenkunst replied "Yes". She added, there is a boardwalk/wharf along the shore that has been there for a number of years and repairs to the shoreline riprap would be completed in compliance with the DNR rules and regulations. Mrs. Haukohl noted that Condition No. 5 states that no additions to the width of any structure shall reduce the separation distance between buildings to less than 10'. She asked if additions such as decks, patios, side porches, etc. were included and could not encroach the 10' distance between cottages? Attorney Gutenkunst responded, "Yes". Mr. Goodchild asked if the cottages were numbered or had addresses for emergency purposes? Ms. Van Scyoc answered, the cottage units are numbered under one address off of C.T.H. "K".

Attorney Gutenkunst said Conditions No. 1 and 2 require an accurate, scaled, Site Plan showing the location of all of the cottages. She asked if an aerial photograph could be substituted for a Site Plan due to the cost of a survey and Site Plan for the entire property? Mr. Mace replied that he would agree to that as long as the aerial photograph labeled the numbers of each of the cottages. Attorney Price said the area of the cottages should be surveyed because each cottage would apply for separate permits to be modified. Attorney Gutenkunst said a schematic for each of the cottages is currently on file. Attorney Price asked if the distance between the cottages was included in the measurements, to which Attorney Gutenkunst replied "No". Ms. Moore said one of the cottages did expand and the Staff was not sure if a permit could be issued or if it was too close to the lot line. Ms. Van Scyoc disagreed, and said the owner of the cottage in question filled in a small gap of the cottage and nothing else changed with respect to expanding lengthwise from the original footprint. Mr. Mace agreed with Ms. Moore and said surveys should be completed for the cottages located along Oakridge Lane as stated in Condition No. 2 and the July 1, 2006, completion date for the survey be changed to December 1, 2006 to give the petitioner time to complete the survey. It was decided the wording in Condition No. 1 be modified to read "An accurate, scaled Site Plan/aerial photograph.....". Attorney Gutenkunst asked if cottage No. 9 (only) be required to obtain an after-the-fact Zoning Permit and Variance, if necessary, for the improvements already done and Condition No. 3 be modified as to that fact. Ms. Moore and the Commission agreed that cottage's No. 10, 17, 19, 22, 23, 28 and 35 could be removed from Condition No. 3. Attorney Gutenkunst asked if the wording "beyond members" could be added after "75 persons" to Condition No. 15 regarding special events, because if all the members gathered, there may be more than 75 persons. She also said a yearly schedule of events could be submitted. Attorney Price said it is not unreasonable for the petitioners to submit to the Town a detailed description of events (parking, approximate number of persons attending, sanitary facilities, length of event, contact person, etc.) when more than 75 persons, beyond members schedule an event. The Commission agreed to the changes discussed.

After discussion, Mr. Baade moved, seconded by Mrs. Willert and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation" with changes to Conditions No. 1, 2, 3, 10, 15 and 16 to read as follows:

1. *An accurate scaled, Site Plan/aerial photograph must be provided to the Planning and Zoning Division Staff. All of the buildings on the property must be labeled on the Site Plan; the cottages must be numbered in accordance with Exhibit "E" and with the Town assessor's records. The Site Plan shall be submitted to the Planning and Zoning Division Staff by July 1, 2006, unless upon just cause, an extension is granted by the Planning and Zoning Division Staff.*
2. *The location of all the cottages in relation to each other and to the private road (Oakridge Lane) shall be surveyed by a registered land surveyor and submitted to the Planning and Zoning Division Staff. This survey shall be submitted to the Planning and Zoning Division staff by December 1, 2006, unless upon just cause, an extension is granted by the Planning and Zoning Division Staff.*
3. *After-the-fact Zoning Permits and Variances, if necessary, for the improvements, which have been made to cottage No. 9, as shown in Exhibit "E," must be applied for by July 1, 2006, unless upon just cause, an extension is granted by the Planning and Zoning Division Staff.*
10. *Current lake use shall remain, i.e., rowboats, fishing and pontoon boats. The current pier configuration shall not be modified from the plan attached as Exhibits "A" and "B."*
15. *Special Events, which are any event in which space outside of the buildings on the property is utilized for patrons and that is not part of the normal or routine use of the property, shall include, but not be limited to, any large outside gatherings of more than 75 persons beyond members. A detailed description of the event, including but not limited to, type of event, location of parking, location of tents, etc., sanitary facilities, number of persons, length of time, contact person with phone number, etc. shall be submitted to the Town Board and the Waukesha County Department of Parks and Land Use for their review and approval. In addition, the Police and Fire Chief shall be notified of the event and the number of patrons. The Town Board shall approve special events at least thirty (30) days prior to said event taking place.*
- *Delete Condition No. 16.*

The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **PO-06-MRTT-1 (Carl Schurz Memorial Park) Town of Merton, Section 19**

Mr. Mace presented the "Staff Report and Recommendation" dated May 4, 2006, and made a part of these Minutes. He pointed out the location of the property at N67 W33275 C.T.H. "K" in the Town of Merton on the aerial photograph and stated the petitioner is requesting to amend the existing Plan of Operation to allow repairs, updates/upgrades, improvements and additions to the existing structures and concrete areas on the property.

Mr. Mace indicated the matter is related to the previous Conditional Use request SCU-174B.

After discussion, Mr. Baade moved, seconded by Mrs. Willert and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” including the changes in Conditions No. 1, 2, 3, 10, 15 and 16 listed above for the Conditional Use. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

CU-0004A (Dennis Lutynski/Skydance Pet Lodge aka Skydance Kennels) Town of Ottawa, Section 34

Mr. Mace presented the “Staff Memorandum” dated May 4, 2006, and made a part of these Minutes. He pointed out the location of the property at W367 S5519 S.T.H. 67, Town of Ottawa on the aerial photograph and stated the petitioner is requesting Conditional Use approval to expand the commercial dog kennel operation on the property to include additional kennels, parking, a two-story office area and a pool area.

Mr. Mace indicated at the April 20, 2006, Park and Planning Commission meeting, it was decided to refer the matter back to the Town Plan Commission for clarification of conditions. The Town clarified the conditions at their May 1, 2006, meeting and the Town Attorney and Town Planner are currently reviewing the conditions and the matter will be placed on the May 18, 2006, Park and Planning Commission meeting agenda.

Mrs. Gennrich asked what agency would approve the kennel’s license? Mr. Mace replied the Town and Waukesha County Humane Animal Office would not issue a permit/license until an inspection is completed. Mrs. Haukohl expressed concerns about the total number of dogs allowed as when the original Conditional Use was before the Commission. Mr. Mace suggested that the Humane Animal Welfare Officer review and comment on the submitted Site Plans.

After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously to have the matter placed on the May 18, 2006, Park and Planning Commission meeting agenda in accordance with the “Staff Memorandum” dated May 4, 2006. In addition, the Commission requested the Waukesha County Humane Animal Officer review and comment on the submitted Site Plans prior to the May 18, 2006, meeting.

PO-06-OTWT-1 (Dennis Lutynski/Skydance Pet Lodge aka Skydance Kennels) Town of Ottawa, Section 34

Mr. Mace presented the “Staff Memorandum” dated May 4, 2006, and made a part of these Minutes. He pointed out the location of the property at W367 S5519 S.T.H. 67, Town of Ottawa on the aerial photograph and stated the petitioner is requesting Site Plan/Plan of Operation approval in conjunction with CU-0004A to expand the commercial dog kennel operation on the property to include additional kennels, parking, a two-story office area and a pool area.

Mr. Mace indicated the matter is related to the previous Conditional Use request CU-0004A.

After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously to have the matter placed on the May 18, 2006, Park and Planning Commission meeting agenda in accordance with the “Staff Memorandum” dated May 4, 2006. In addition, the Commission requested the Waukesha County Humane Animal Officer review and comment on the submitted Site Plans prior to the May 18, 2006, meeting.

• **PO-01-LSBT-2 (Toebe Family Partnership) Town of Lisbon, Section 11**

Mr. Mace presented the "Staff Memorandum" dated May 4, 2006, and made a part of these Minutes. He pointed out the location of the property on the east side of Woodside Road in the Town of Lisbon on the aerial photograph and stated the petitioner is requesting to amend the Site Plan/Plan of Operation to relocate the toilet buildings on Hole No. 3.

Mr. Mace indicated that correspondence was submitted by the owner of Lot 12 in the Fairways of Woodside development regarding concerns that the Site Plan dated March 22, 2005, relocates the proposed comfort station/toilet building southeast of their residence and more visible from their residence. Originally it was located south of the cart path and north of the wooded area. The Planning and Zoning Division Staff is recommending the issue be referred back to the Town of Lisbon Plan Commission to determine the exact location and appropriate screening of the proposed permanent comfort station. In addition, the Staff recommends that the comfort station be located further south and east. Mr. Mace asked if the Commission agreed that it would not be necessary for the matter to return to the Commission and the Staff would be authorized to approve and review the Landscape Plan? The Commission agreed.

After discussion, Mrs. Willert moved, seconded by Mr. Baade and carried unanimously to refer the matter back to the Town of Lisbon Plan Commission in accordance with the "Staff Memorandum".

ADJOURNMENT

With no further business to come before the Commission, Mrs. Willert moved, seconded by Mrs. Haukohl to adjourn at 3:10 p.m.

Respectfully submitted,

Pat Haukohl
Secretary

PH:kb